



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

December 20, 2011

**VIA ELECTRONIC MAIL  
AND FIRST CLASS MAIL**

Mark L. Ornstein, Esq.  
Killgore, Pearlman, Stamp,  
Ornstein & Squires, P.A.  
2 South Orange Ave., 5<sup>th</sup> Floor  
Orlando, Florida 32801  
Email: [mlornstein@kpsos.com](mailto:mlornstein@kpsos.com)

RE: MUR 6054  
10-2002, LLC f/k/a Suncoast Ford

Dear Mr. Ornstein:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your client, 10-2002, LLC f/k/a Suncoast Ford, the Federal Election Commission found reason to believe that Suncoast Ford violated 2 U.S.C. § 441f and 2 U.S.C. § 441a(a), provisions of the Federal Election Campaign Act of 1971, as amended. On December 16, 2011, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of these violations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

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Mark L. Ornstein, Esq.  
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1341.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Columbo", with a long horizontal flourish extending to the right.

Michael A. Columbo  
Attorney

Enclosure  
Conciliation Agreement

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OFFICE OF GENERAL  
COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

) MUR 6054

10-2002 LLC f/k/a Suncoast Ford )

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that 10-2002 LLC f/k/a Suncoast Ford ("Suncoast Ford" or "Respondent") violated 2 U.S.C. §§ 441f and 441a(a).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. At the time of the events in this matter, Suncoast Ford was a car dealership located in Port Richey, Florida, that was organized as a Limited Liability Company and was treated by the Internal Revenue Service as a partnership. Representative Vernon Buchanan ("Buchanan") controlled a majority ownership interest in Suncoast Ford through another limited liability company but was not involved in the day-to-day operation of Suncoast Ford. In 2007,

1 Gary J. Scarbrough ("Scarbrough") was the operating minority partner of Suncoast Ford  
2 responsible for the day-to-day operation of the dealership.

3 2. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides  
4 that no person shall make a contribution in the name of another person or knowingly permit his  
5 or her name to be used to effect such a contribution. 2 U.S.C. § 441f. Section 441f prohibits  
6 providing money to others to effect contributions in their names without disclosing the source of  
7 the money to the recipient candidate or committee at the time the contribution is made, and it  
8 applies to individuals as well as incorporated or unincorporated entities. 11 C.F.R.  
9 § 110.4(b)(2); 2 U.S.C. § 431(11) (term "person" includes partnerships and corporations).

10 3. During the 2007-2008 election cycle, a person could contribute no more than  
11 \$2,300 to a candidate and his or her authorized committee per election. *See* 2 U.S.C. § 441a(a).

12 4. In March 2007, Scarbrough wrote a personal contribution check to Vern  
13 Buchanan for Congress ("VBFC") in the amount of \$4,600, as did Suncoast Ford controller  
14 Kenneth Lybarger ("Lybarger") and employees Harold H. Glover, III, ("Glover") and M. Osman  
15 Ally ("Ally"). VBFC disclosed that it received \$4,600 from each of the four individuals.

16 5. Scarbrough directed Lybarger to issue reimbursement checks from Suncoast  
17 Ford's account to Scarbrough, Lybarger, Glover and Ally.

18 6. A routine review of Suncoast Ford's books by an auditor from the Buchanan  
19 Automotive Group that represented Buchanan's ownership interest in the dealership revealed the  
20 reimbursements.

21 7. Suncoast Ford's Operating Partner, Scarbrough contends that he did not know that  
22 the reimbursements were illegal and that once he was informed that reimbursing contributions is

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1 prohibited by law, he took corrective action by requesting that VBFC refund the reimbursed  
2 contributions.

3 8. On June 18, 2007, VBFC refunded all \$18,400 of the reimbursed Suncoast Ford  
4 employee contributions.

5 V. Based on the facts set forth above in paragraphs IV.1-8, the Commission concluded that  
6 there was reason to believe that Suncoast Ford violated 2 U.S.C. § 441f by contributing to Vern  
7 Buchanan for Congress in the names of Scarbrough, Lyharger, Glover, and Osman, and violated  
8 2 U.S.C. § 441a(a) by making a contribution to VBFC that exceeded the \$2,300 per election  
9 contribution limit. In order to resolve this matter through conciliation, Suncoast Ford will not  
10 contest the Commission's conclusion as set forth in this paragraph. Suncoast Ford will cease and  
11 desist from violating 2 U.S.C. §§ 441f and 441a(a).

12 VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount  
13 of Seven Thousand Dollars (\$7,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

14 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.  
15 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance  
16 with this agreement. If the Commission believes that this agreement or any requirement thereof has  
17 been violated, it may institute a civil action for relief in the United States District Court for the  
18 District of Columbia.

19 VIII. This agreement shall become effective as of the date that all parties hereto have  
20 executed same and the Commission has approved the entire agreement.

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IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Anthony Herman  
General Counsel

BY:

  
Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

12-20-11  
Date

FOR THE RESPONDENT:

  
Mark L. Ornstein  
Counsel to 10-2002 LLC f/k/a Suncoast Ford

12-15-11  
Date

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